

REMARKS/ARGUMENTS

Claims 1-9, 14-18 and 35-39 were subject of a restriction requirement set forth in the Office Action of August 8, 2005. Applicant hereby elects to prosecute the invention of Species I, claims 1-2 and 14-16 with traverse.

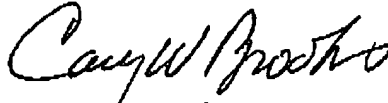
Claims 3-9, 17-18 and 35-39 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a non-elected system.

Although Claims 1-9, 14-18 and 35-39 were subject of a restriction requirement set forth in the Office Action of August 8, 2005, the Office Action failed to set forth any rational justifying the restriction requirement. 35 USC 121 states: "If two or more independent and distinct inventions are claimed in one application, the Director may require the application to be restricted to one of the inventions." (Underlining added). Applicants agree that the inventions of Species I-V are patentably distinct, but deny that the inventions are independent. The inventions are related because the inventions are directed to fuel cell systems, but the inventions are not independent. Examples of independent inventions would be an invention to a combustion engine and an invention to a shoe. The combustion engine and shoe are independent inventions because they are not related in structure, operation or use. Because the inventions of Species I-V are related, and are not independent and distinct, Applicant requests that the restriction requirement be withdrawn.

Applicant notes that the Examiner made a 3 way restriction requirement in the Office Action of June 28, 2004 and had the opportunity at that time to identify any subspecies for further election. Although Applicant has withdrawn the non-elected claims in this amendment, Applicant reserves the right to seek supervisory review of this second restriction requirement.

In view of the above amendments and remarks, Applicants respectfully request reconsideration and allowance of the claims now in the case.

Respectfully submitted,



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